

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

September 28, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00161HG

CASE NAME: UNITED STATES OF AMERICA v. JAY PADAYAO

ATTYS FOR PLA: Marshall H. Silverberg

ATTYS FOR DEFT: Richard S. Kawana, Esq.

U.S.P.O.: Neil W. Tsukayama

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JUDGE: Helen Gillmor

REPORTER: Stephen Platt

DATE: September 28, 2006

TIME: 2:30 - 3:30

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COURT ACTION: SENTENCING TO COUNT 1 OF THE INDICTMENT -  
DEFENDANT'S MOTION FOR DOWNWARD  
DEPARTURE -

The defendant is present in custody.

Allocution by the defendant.

Defendant's Motion for Downward Departure is DENIED.

ADJUDGED: Impr of 100 months.

SUPERVISED RELEASE: 3 years, upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.

5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
9. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
10. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$100.00

RECOMMENDATION: That the defendant participate in a 500-Hour Comprehensive Drug Treatment Program, and educational/vocational training programs.

Advised of rights to appeal the sentence, etc.

Submitted by: Mary Rose Feria, Courtroom Manager